

USSN 10/646,211 - Page 5

REMARKS

Claims 1, 6, 7, 14, 19 and 20 have been amended, claims 5, 8-13, 18, and 21-25 have been canceled, and claim 26 added. Claims 1-4, 6, 7, 14-17, 19, 20, and 26 are pending in the application for consideration on the merits. All claims remaining in the application for consideration on the merits read on the elected species. Favorable consideration of this application as amended is requested.

Claim Rejections Under 35 U.S.C. § 102:

Claim 13 stands rejected under 35 U.S.C. 102(b) as being anticipated by Yada et al. ('083). Claim 13 has been canceled.

Claim 13 stands rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi (6,684,574). Claim 13 has been canceled.

Claims 1-6 and 14-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi (6,684,574). Claim 4 has been canceled. Independent claim 1 has been amended to include the limitations of claim 5. Independent claim 14 has been amended to include the limitations of claim 18, which was indicated to be allowable, (see below). And, claims 15-17 ultimately depend from amended claim 14.

Claim 1, as amended, is directed to a molding for closing a roof ditch recess creating an opening extending along joined edges of a pair of vehicle body panels. A head portion has a width sufficient to close the opening above the roof ditch recess. A stem portion has a width enabling it to pass through the opening and is formed of a first predetermined hardness first plastic material. At least a first leg, of a second predetermined hardness second plastic material softer than the first plastic material, extends outwardly from a side of the stem for frictional engagement with a side wall of the roof ditch recess. The at least a first leg includes a living hinge, and is able to pass through the opening and frictionally engage the side wall of the roof ditch recess to retain the molding in the roof ditch recess. For claim 1, then, the molding can be inserted into and retained in a roof ditch recess while closing the opening to the roof ditch recess.

With regard to the prior art rejection, Hayashi does not teach or suggest the invention claimed by amended claim 1. In particular Hayashi discloses:

USSN 10/646,211 - Page 6

As shown in FIGS. 1 and 3, a weather strip 11 comprises a trim 14 including a trim body 12 having a substantially U-shaped cross-section formed of polymer material, for example, EPDM (ethylene-propylene-diene ternary copolymer) solid rubber and at least one flange holding lip 13 protruded from an inside surface thereof. The flange holding lip 13 serves to grip a flange portion (not shown) in the opening of a vehicle body panel and to hold the weather strip 11 on the body panel. An insert 15 formed of a metal plate is embedded in the trim body 12.

A hollow seal portion 17 for elastically abutting on the outer peripheral portion of a door panel (not shown) to seal a portion between the door panel and the body panel is protruded and formed of EPDM sponge rubber on the exterior side of an exterior side wall 16a of the trim body 12. On the other hand, a cover lip 18 for elastically abutting on the interior parts of the vehicle such as a garnish (not shown) is extended from the interior side of a base end in an interior side wall 16b of the trim body 12.

... As shown in FIG. 8, the weather strip 11 is mounted to a flange portion 33 of an opening 34 of a vehicle body 32. ...

Hayashi, thus, discloses a weather strip (11) around a car door opening (34) that has a U-shaped portion (12) extending over a thin flange (33) around this door opening and securing it thereto—with a U-shaped insert (15) and flange holding lips (13) for better gripping of this thin flange—and a bulb seal (17) that extends outward into the door opening to absorb the impact of the door when it is closed.

This arrangement does not teach or suggest anything about a molding located in a roof ditch recess for closing an opening between two joined body panels. Moreover, Hayashi does not disclose at least a first leg member that is in frictional engagement with a side wall of a roof ditch recess, or that the frictional engagement with the at least a first leg member retains the molding in the roof ditch recess, or a stem portion extending into the opening of the roof ditch recess.

With at least these limitations of claim 1 missing from Hayashi, there cannot be anticipation of this claim under 35 U.S.C. 102(e). Moreover, claims 2-4, and 6 ultimately depend from claim 1 and are thus distinguishable over the cited reference for at least the reasons discussed above relative to claim 1.

Consequently, applicants respectfully request that the rejections be withdrawn.

USSN 10/646,211 - Page 7

Claim Rejections Under 35 U.S.C. § 103:

Claims 1-4 and 14-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yada et al. ('083). As mentioned above, claim 1 has been amended to incorporate the limitations of claim 5 and claim 14 has been amended to incorporate the limitations of claim 18. Claim 5 does not stand rejected as obvious over Yada et al., and claim 18 was held to be allowable. Dependent claims 2-4, and 15-17, then, would be allowable over the cited art for at least the same reasons as their respective independent claims. Consequently, applicants respectfully request that the rejections be withdrawn.

Allowable Subject Matter:

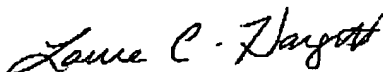
Claims 7 and 18-20 stand objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 was amended to incorporate the limitations of claim 18, and so is, in effect, claim 18 rewritten in independent form. Claims 15-17, 19, 20, and 26 all ultimately depend from amended claim 14 and so are also allowable for at least the same reasons as claim 14.

Conclusion:

In summary, the applicants believe that each formal and substantive requirement has now been met. The application is now believed to be in appropriate condition for allowance, which action is respectfully requested.

Respectfully submitted,



Laura C. Hargitt, Attorney
Registration No. 43,989
Telephone: (313) 665-4710